

TAITANO_C.gar8a

LEONARDO M. RAPADAS
United States Attorney
MARIVIC P. DAVID
Assistant U.S. Attorney
Sirena Plaza, Suite 500
108 Hernan Cortez Avenue
Hagåtña, Guam 96910
TEL: (671) 472-7332
FAX: (671) 472-7215

Attorney's for United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,) CRIMINAL CASE NO. 04-00017
Plaintiff,)
vs.)
CRISPIN ATALIG TAITANO,)
Defendant,)

NORTHERN MARIANA ISLANDS)
RETIREMENT FUND (NMIRF),)
Garnishee.)

**MOTION FOR ENTRY OF FINAL
ORDER IN CONTINUING
GARNISHMENT**

Plaintiff, United States of America, respectfully requests the Court to enter the Final Order in Continuing Garnishment in this matter pursuant to 28 U.S.C. § 3205. In support of this motion, the United States respectfully states to the Court the following:

1. An Application for a Writ of Continuing Garnishment was filed by the United States of America and directed to Garnishee which was duly issued and served upon the Garnishee.

2. Pursuant to the Writ of Continuing Garnishment, the Garnishee filed an Answer stating that at the time of the service of the Writ it had in its custody, control or possession a lifetime retirement pension belonging to the Defendant which is paid semi-monthly in

the amount of \$1,697.00. In its Answer, the Garnishee objected to the garnishment and claimed an exemption on the part of Defendant which objection was denied by this Court on November 1, 2007

3. The defendant was served with a copy of the Writ of Continuing Garnishment and notified of his right to a hearing. The defendant objected to the garnishment and requested a hearing to determine exempt property, which was held on October 31, 2007. The Court denied defendant's objection to the garnishment on November 1, 2007.

4. As set forth in the Writ of Continuing Garnishment, the balance of the debt due is \$73,174.09, as of August 9, 2007.

WHEREFORE, all conditions to the issuance of a Final Order in Continuing Garnishment against the non-exempt earnings of the defendant are fully satisfied. The United States respectfully requests that a Final Order in Continuing Garnishment be issued.

DATED this 2nd day of November, 2007.

LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and the NMI

By: /s/ Marivic P. David
MARIVIC P. DAVID
Assistant U.S. Attorney
marivic.david@usdoj.gov